

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 USC § 102

The rejections of:

- 1) claims 1, 4, 7-11, 13 and 19 under 35 USC §102(b) as being anticipated by Nakazawa (US 5,715,317); and
- 2) claim 14 under 35 USC §102(b) as being anticipated by Nakazawa (US 5,715,317).

are both traversed.

In this response claim 1 has been amended to read:

a computation unit for computing said monophonic channels by convolution of each sound source with head-related transfer functions of said database estimated at said source position, without a spatial interpolation of the head-related transfer functions.

This added feature is clarifying. In the specification, it is disclosed that: The invention proposes a spatialization system in which it is no longer necessary to perform a head-related transfer function interpolation computation. It is then possible, to carry out the convolution operations for creating the spatialized signals, to have no more than a single computer instead of the n binaural processors needed in the system according to the prior art for spatializing n sources. With a selection module, it is no longer necessary to perform interpolation computations to estimate the transfer functions at the position where the sound source should be located.

It is submitted that the apparatus described in Nakazawa has no selection module with variable resolution and consequently, needs a transfer function interpolation means (see

col. 4, lines 33-34, col. 5, line 25, col. 6, lines 46, col. 10, lines 7-32 and claim 1 of Nakazawa). Therefore, for this reason, Nakazawa fails to anticipate the subject matter of claim 1.

Rejections under 35 USC § 103

The rejections of:

- 1) Claims 2-3, 5-6 under 35 USC §103(a) as being unpatentable over Nakazawa (US 5,715,317);
- 2) Claims 15, 20 under 35 USC §103(a) as being unpatentable over Nakazawa (US 5,715,317) and Sshennib et al. (US 5,645,074);
- 3) Claim 17 under 35 USC §103(a) as being unpatentable over Nakazawa (US 5,715,317) and Myers et al. (US 4,817,149);
- 4) Claim 16 under 35 USC §103(a) as being unpatentable over Nakazawa (US 5,715,317) and Park et al. (US 5,930,733).
- 5) Claims 12 and 18 are rejected under 35 USC §103(a) as being unpatentable over Nakazawa (US 5,715,317) and Hinde (US 7,190,794).

are summarily traversed.

With the fall of the anticipation rejection of claim 1, the rejections of claims 2-20 which depend either directly or indirectly from claim 1 cannot be deemed tenable and are traversed for at least this reason.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby

made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP

A handwritten signature in cursive script, reading "Kenneth M. Berner".

Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: December 19, 2008
KMB/KT/ser